IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1225 of 1997

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

JETHABHAI JIVABHAI

Versus

STATE OF GUJARAT

Appearance:

1. Civil Revision Application No. 1225 of 1997

MR RV SAMPAT for Petitioner No. 1

..... for Petitioner No. 2

MR MR MENGDEY, AGP for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 10/03/2004

ORAL JUDGEMENT

Heard Mr.J.M.Barot for Mr.R.V.Sampat for the petitioners.

2) The respondent herein preferred an appeal before the District Court against the judgement and decree passed by the trial Court in Regular Civil Suit No.42/1989. The trial Court decreed the said suit filed by the present petitioners, who were the plaintiffs in that suit. Against which an appeal was preferred. However, there was a delay in preferring the said appeal, therefore, an application was preferred for condonation of delay. The appellate Court by the impugned order, condoned the delay in filing such appeal. It is the said order, which is under challenge in this revision application at the instance of the present petitioners.

3) Considering the reasoning of the appellate Court by which the appellate Court has condoned the delay in filing appeal, in my view, no interference of this Court is called for against such an interlocutory order. The appellate Court has properly exercised its discretion in condoning the delay. Therefore, I do not find any substance in this Civil Revision Application. Therefore, the same is rejected. Rule is discharged. Interim relief stands vacated forthwith. No order as to costs.

(P.B.Majmudar,J.)
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